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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,225

02/03/2006

Tobias Helbig

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LAI, DANIEL

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

09/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,225	Applicant(s) HELBIG, TOBIAS	
	Examiner DANIEL LAI	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaszewski et al. (US 5,933,420, hereinafter Jaszewski).

Regarding claims 1 and 7, Jaszewski discloses a wireless network system comprising a first access point for providing a first communication channel to a first terminal (col. 3, lines 34-45). Jaszewski discloses a second access point for providing a second communication channel to a second terminal (col. 3, lines 34-45). Jaszewski discloses the first access point is adapted to build up a third communication channel to the second access point to coordinate a setting of the first and second communication channels (col. 4, lines 41-67, where Jaszewski discusses communications between access points).

Regarding claims 2 and 8, Jaszewski further discloses the first access point is adapted to perform a detection for the second access point (col. 4, lines 41-67 and col. 8, lines 56-62, Fig. 3). Jaszewski discloses the first access point is adapted to establish the third connection to the second access point when the second access point is detected via at least one of a core network and a wireless channel (col. 4, lines 41-67, where Jaszewski discusses the detected access points respond with a message).

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Regarding claims 3 and 9, Jaszewski discloses the first and second communication channels are wireless channels (col. 3, lines 33-37). Jaszewski discloses the first access point is adapted to determine whether there is a first free channel and a second free channel and wherein in case there are first and second free channels, the first access point is adapted to control a setting of the first and second communication channels on the basis of the first and second free channels (col. 4, lines col. 6, line 46-col. 7, line 35).

Regarding claims 4 and 10, Jaszewski discloses in case there are no first and second free channel, the first access point is adapted to determine a first interference and channel usage map (col. 4, lines 41-48); wherein, in case there are no first and second free channels, the first access point is adapted to request a second interference and channel usage map from the second access point (col. 3, lines 35-37); wherein the first access point is adapted to determine an optimized channel lay-out on the basis of the first and second interference and channel usage maps, and the first access point is adapted to control the setting of the first and second communication channels on the basis of the optimized lay-out (col. 6, line 48-col. 7, line 15).

Regarding claim 5, Jaszewski further discloses a plurality of third access points is assigned to the first access point for coordinating communication channels to associated terminals and a plurality of fourth access points is assigned to the second access point for coordinating communication channels to associated terminals (col. 3, lines 17-20 and Fig. 1, where Jaszewski discusses plurality of access points).

Regarding claim 6, Jaszewski further discloses the first and second communication channels correspond to first and second frequencies in the ISM bands (col. 1, lines 30-34, col. 3, lines 40-45).

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Regarding claim 11, Jaszewski discloses a method of operating an access point of a wireless network, the method comprising the steps of providing a first communication channel to a terminal (col. 3, lines 33-45). Jaszewski discloses building up a second communication channel to another wireless point to coordinate a setting of the communication channel (col. 4, lines 41-67, where Jaszewski discusses communications between access points).

Regarding claim 12, Jaszewski discloses performing a detection for the other access point (col. 8, lines 54-63). Jaszewski discloses establishing a second communication channel to the other access point when the other access point is detected via at least one of a core network and a wireless channel (col. 4, lines 41-col. 5, lines 12, for those other access points that received the "Where are you" message, a channel will be established). Jaszewski disclose determining whether there is a first free channel (col. 3, line 59- col. 4, line 25, where Jaszewski discusses determining whether access points are using same channel). Jaszewski discloses controlling a setting of the first communication channel on the basis of the first free channel in case there is a first free channel (col. 4, lines 11-40, where Jaszewski discusses generating a new set of channel assignments to reduce near conflict). Jaszewski discloses determining a first interference and channel usage map in case there is no first free channel and requesting a second interference and channel usage map from the other access point in case there is no first free channel (col. 5, lines 13-25, where Jaszewski discusses collecting signal strengths information, col. 6, lines 46-63). Jaszewski discloses determining an optimized channel lay-out on the basis of the first and second interference and channel usage maps and controlling the setting of the first communication channel on the basis of the optimized lay-out (col. 6, line 48-col. 7, line 35).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LAI whose telephone number is (571)270-1208. The examiner can normally be reached on Monday-Thursday 9:00 AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. L./

Examiner, Art Unit 2617

/Lester Kincaid/

Supervisory Patent Examiner, Art Unit 2617